

2022 Rule of Law Program Part 2 Anniversary of *Plessy v. Ferguson* Decision Civics Lesson Plan

Objective: To introduce New Mexico students to the law, courts, and legal principles through the discussion of a U. S. Supreme Court case.

Grade Level: 6-8

Time: One class period (50 Minutes)

Before Class: Read this outline and review the accompanying *Additional Materials*.

Laws to Know:

13th Amendment: ended slavery and forced service, except as criminal punishment

14th Amendment: guarantees all citizens the same legal protections

Words to Know:

equality: the state of enjoying legal rights

desegregation: the ending of the policy of racial segregation

segregation: the enforced separation of different racial groups

Legal Questions:

1. Does segregating public places go against the 13th Amendment?
2. Does separating racial groups in social settings go against the 14th Amendment? Does the 14th Amendment only protect our right to equality under the law?

Case Summary:

Homer Plessy, a man who was not white, was “a [train] passenger between two stations within . . . Louisiana.” *Plessy v. Ferguson*, 163 U.S. 537, 540-541 (1896). He was arrested for breaking a Louisiana law that required “separate railway carriages for the white and colored races.” *Id.* The U. S. Supreme Court “reduce[d]” Plessy’s case against Louisiana “to the question [of] whether the [law] of Louisiana [wa]s a reasonable regulation” of the U. S. Constitution. *Id.*, at 550.

Despite the 14th Amendment, the Court said it could not find a legal reason to get rid of a state “law which authorize[d] or even require[d] the separation of the two races in public

[transportation.]" *Id.*, at 550-551. Effectively, this decision made "the second-class status of blacks" legally acceptable.¹

Justice Harlan, the only Justice who disagreed, said that the U. S. Constitution is color-blind, meaning it makes no difference what race you are. This idea inspired future civil rights activists, including Thurgood Marshall.² Marshall was the lawyer who argued before the Supreme Court in *Brown v. Board of Education*, the case that finally desegregated America in 1954. He liked Harlan's argument so much that he would "read it aloud for inspiration as he prepared to argue *Brown*["]" *Id.*, at 126.

Discussion:

1. What is the difference between legal equality and social equality?
2. Why do you think Harlan thought that no one could believe the Louisiana law was neutral about race?
3. How do you think this case affected other court decisions? What about the lives of white and non-white Americans at the time?

After *Plessy*: Segregation in New Mexico

After this case, "separate but equal" was the law across America. In New Mexico, there were segregated schools for people with African ancestors in Roswell, Artesia, Carlsbad, Hobbs, Tucumcari, Clovis, Las Cruces, Vado, Lovington, and Alamogordo. On August 30, 1954, Hobbs became the last public school to desegregate in the State of New Mexico. See [Evening star August 27, 1954, Page B-11, Image 44](#).

Charles Becknell, an author, pastor, activist, and educator, wrote this about his experience as a black child in Hobbs in the 1940s:

There is nothing wrong with being different, however, I grew up with the assumption that to be black and different was to be inferior. I also grew up believing that to be black was a badge of dishonor and that equaled second-class citizenship. Second-class citizenship meant that you were to say *Yes sir* and *No sir* to white males, regardless of their age. Another rule that I learned at an early age was that blacks had to remove their cap or hat in the presence of a white person. Black men and boys, regardless of age, were frequently referred to as *boy*. (Facial hair on a black male was unacceptable because hair was symbolic of masculinity). It was told to us that in some areas of the South, facial hair could get a black man lynched.

Charles E. Becknell Sr., *No challenge – No change (Growing Up Black in New Mexico)* 23 (1st ed. 2003).

¹ United States Commission on Civil Rights, *Fulfilling the Letter and Spirit of the Law: Desegregation of the Nation's Public Schools* 2 (1st ed. 1976).

² Jeffrey Rosen, *The Supreme Court: The Personalities and Rivalries That Defined America* 125-126 (1st ed. 2007).